

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition on behalf of CITIZENS)  
OF THE STATE OF FLORIDA to Initiate )  
Investigation into Integrity of )  
SOUTHERN BELL TELEPHONE & TELEGRAPH )  
COMPANY's Repair Service Activities )  
and Reports. )

DOCKET NO. 910163-TL

~~930060-72~~

COPY

10	DEPOSITION OF:	JAMES H. THOMAS
11	TAKEN AT THE INSTANCE OF:	Citizens of the State of Florida, by and through Jack Shreve, Office of Public Counsel
13	DATE:	Friday, July 31, 1992
14	TIME:	Commenced at 9:40 a.m. Concluded at 10:40 a.m.
16	PLACE:	6451 North Federal Highway Room 1015A Fort Lauderdale, Florida
18	REPORTED BY:	JANE FAUROT Notary Public in and for the State of Florida at Large

ACCURATE STENOGRAPHY REPORTERS, INC.  
100 SALEM COURT  
TALLAHASSEE, FLORIDA 32301  
(904) 878-2221

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1 APPEARANCES:

2 REPRESENTING THE SOUTHERN BELL TELEPHONE AND  
3 TELEGRAPH COMPANY:

4 HARRIS R. ANTHONY, ESQUIRE  
5 BellSouth Telecommunications, Inc.  
6 d/b/a Southern Bell Telephone &  
7 Telegraph Company  
8 c/o Marshall M. Criser, III  
9 150 South Monroe Street, Suite 400  
10 Tallahassee, Florida 32301

11 REPRESENTING THE CITIZENS OF THE STATE OF FLORIDA:

12 SUE RICHARDSON, ESQUIRE  
13 Office of Public Counsel  
14 c/o The Florida Legislature  
15 111 West Madison Street  
16 Room 812  
17 Tallahassee, Florida 32399-1400

18 REPRESENTING THE FLORIDA PUBLIC SERVICE  
19 COMMISSION:

20 JEAN WILSON, ESQUIRE and  
21 STAN GREER, Class B Practitioner  
22 FPSC Division of Legal Services  
23 Florida Public Service Commission  
24 101 East Gaines Street  
25 Tallahassee, Florida 32399-0863

26 REPRESENTING JAMES H. THOMAS:

27 THERESE A. PIKE, ESQUIRE  
28 Law Offices of Ted Crespi, P.A.  
29 The 110 Tower, Suite 815  
30 110 S. E. Sixth Street  
31 Fort Lauderdale, Florida 33301

32 ALSO PRESENT:

33 WALTER BAER, Office of Public Counsel.  
34  
35 CARL VINSON, FPSC Division of Communications.

36 \* \* \* \* \*

I N D E X

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WITNESS:

PAGE NO.

JAMES H. THOMAS

Direct Examination by Ms. Richardson  
Cross Examination by Mr. Wilson

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CERTIFICATE OF REPORTER

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S T I P U L A T I O N S

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The following deposition of JAMES H. THOMAS was taken on oral examination, pursuant to notice, for purposes of discovery, for use in evidence, and for such other uses and purposes as may be permitted by the Florida Rules of Civil Procedure and other applicable law. Reading and signing of said deposition by the witness is not waived. All objections, except as to the form of the question, are reserved until final hearing in this cause; and notice of filing is waived.

\* \* \* \* \*

Thereupon,

JAMES H. THOMAS

was called as a witness, having been first duly sworn, was examined and testified as follows:

MS. PIKE: Therese Pike, appearing as private counsel on behalf of Jim Thomas.

MR. BEATTY: My name is Robert Beatty. I am an attorney for Southern Bell appearing here on behalf of that company.

Let me, just for the record, set forth a couple of stipulations that we have agreed to up to this point. First is that this deposition is taken pursuant to proper notice on behalf of the Public Counsel or at least by Public Counsel; that without the witness'

1 consent, and counsel's agreement, we will not go off  
2 the record; that except for objections as to form, we  
3 will hold and save all further objections; and that  
4 there will be no waiving of the reading and signing of  
5 the deposition, unless Counsel dictates otherwise.

6 MS. PIKE: Okay.

7 MR. BEATTY: Let me further say that there was,  
8 probably to the knowledge of both of you, deponent and  
9 counsel, an internal investigation conducted by  
10 Southern Bell. And that internal investigation  
11 pertained, at least to some extent, to the issues that  
12 will be raised and will be discussed here today. That  
13 investigation was conducted pursuant to the  
14 attorney/client privilege and the attorney work product  
15 doctrine, and that those doctrines protect the  
16 substance of that investigation and all that occurred  
17 within the context of that investigation. I would  
18 request, therefore, that you not disclose anything  
19 pertaining to that investigation in the contents of  
20 this deposition here today. Okay?

21 THE WITNESS: Okay.

22 MS. RICHARDSON: I have just two little  
23 preliminaries, too, and they deal with defining sort of  
24 common terms to make sure that when we read the record,  
25 you and I both understand what you meant by that. The

1 first one is "I don't know." "I don't know," or in  
2 response if I ask you do you know and you tell me no,  
3 that means that you have no firsthand, direct, personal  
4 knowledge of the events or person or whatever it is we  
5 are talking about, and you haven't heard anything.  
6 Your mind is a blank. In other words, you really just  
7 don't know. Is that acceptable for you?

8 MR. BEATTY: I am going to object. Primarily on  
9 the grounds that it really necessitates a compound  
10 question and a compound answer. But go ahead.

11 MS. RICHARDSON: I don't want to cut you off.

12 MR. BEATTY: Oh, no, I'm finished.

13 MS. RICHARDSON: And I need you to speak either a  
14 "yes" or "no," because the court reporter can't take a  
15 nod. So, is that acceptable for you?

16 THE WITNESS: Yes.

17 MS. RICHARDSON: And then the same thing with "I  
18 can't remember." Your mind is an absolute blank. When  
19 you tell me I can't remember, it's an absolute blank.  
20 Is that acceptable?

21 THE WITNESS: Yes.

22 MS. RICHARDSON: All right. And just to clarify  
23 that a little bit further, if you have a vague memory,  
24 you think you may have a little tickler out here, if  
25 you will just tell me, "I don't really remember, but

1           there was something." That way I can ask you some  
2           further questions and maybe try to refresh your memory  
3           a little bit by other questions I might ask. Is that  
4           okay with you?

5                         THE WITNESS: Yes.

6   DIRECT EXAMINATION

7 BY MS. RICHARDSON:

8           Q     Mr. Thomas, if you would, for the record, if you  
9           will state your name and spell it to make sure we have it  
10          accurately?

11          A     James H. Thomas, T-H-O-M-A-S.

12          Q     And your address, please?

13          A

14

15          Q     Thank you. And what is your present position with  
16          the Company?

17          A     I'm an associate manager.

18          Q     Of what or where?

19          A     In the North Broward IMC, installation maintenance  
20          center.

21          Q     All right. Thank you. And how long have you held  
22          that position?

23          A     Four years I have been an associate down here.

24          Q     All right. And who is your present supervisor?

25          A     Dennis Slattery.

- 1 Q And who is his supervisor?
- 2 A Mr. Robert Sattizahn.
- 3 Q And what did you do before this position?
- 4 A I was an assistant manager from approximately 1983
- 5 to 1988.
- 6 Q Assistant manager in another IMC?
- 7 A No, it was also the Pompano and North Broward IMC.
- 8 We consolidated.
- 9 Q Just the North Broward?
- 10 A Yes.
- 11 Q And in your prior position did you also work for
- 12 Mr. Slattery and Mr. Sattizahn?
- 13 A I worked for several different people over that
- 14 period of time.
- 15 Q Can you tell me which ones, which supervisors? Do
- 16 you recall?
- 17 A I worked for Joe Janes, J-A-N-E-S, and Charles
- 18 Nichols. Those are the two.
- 19 Q Okay. And what is your present pay grade?
- 20 A Pay Grade 4.
- 21 Q And were you a Pay Grade 4 before this, your prior
- 22 position?
- 23 A No, I was a 3.
- 24 Q So your present position is a promotion, then?
- 25 A Yes.



1 Q When did you start with the Company?

2 A I started in 1970.

3 Q As what?

4 A Service technician.

5 Q All right. And is that someone who does the  
6 actual repair work on a problem?

7 A Yes, it would be the -- it used to be, the old  
8 title was repairman. And you took trouble reports and fixed  
9 them, and went out to houses and that kind of thing.

10 Q Okay. Then can you give me some indication if --  
11 I guess, percentage of all the time that you worked with the  
12 Company, your positions that have dealt with customer  
13 trouble report handling, so I can get an idea of the length  
14 of your experience?

15 A One hundred percent.

16 Q And in the scope of your duties, I would like to  
17 get sort of briefly from you a feel for what part of that  
18 process you have had experience with -- I mean, you told me  
19 you went out and actually repaired the problems, did you  
20 also deal with any of the in-house part of it, the LMOS  
21 system or --

22 A From 1970 to 1980 I was a service technician. In  
23 1980 I was brought into the maintenance center as a tester,  
24 who actually did the testing of the customer reports. That  
25 was when I was promoted in 1983 to a first level manager and

1 then managed people that did the testing. And in 1988 I was  
2 promoted to systems administrator, which meant that I deal,  
3 now deal with the systems that make the IMC work, computer  
4 systems.

5 Q Computer systems. So, you're familiar with the  
6 LMOS program, then?

7 A Yes.

8 Q Are you familiar with MTAS?

9 A Yes.

10 Q Are you familiar with AUTOSCREENER?

11 A Yes.

12 Q Do your responsibilities and duties involve  
13 handling -- how can I say this -- daily reports that  
14 indicate the management and flow of individual customer  
15 reports?

16 A I don't think I understand the question.

17 Q I guess the first example I can come up with is  
18 maybe jeopardy reports. Would that be part of your  
19 responsibility, looking at those?

20 A No, jeopardy reports are the responsibility of the  
21 first level managers.

22 Q Okay. And were you a first level manager? I  
23 thought you said at one time --

24 A I was.

25 Q Did they have jeopardy reports then?

1           A     Yes, at that time.

2           Q     You have worked with jeopardy reports?

3           A     Yes.

4           Q     Okay. Those are the kind of things I'm talking  
5 about. What other sort of management tools, report tools do  
6 you use and are you familiar with?

7           A     Well, you mentioned MTAS. Those are the only ones  
8 I can think of offhand, as far as management tools to  
9 evaluate and do analysis. MTAS is the biggest analysis tool  
10 we have.

11          Q     Okay. I would like to see if I can get a little  
12 bit more clear, then. When you work with MTAS, are you the  
13 one that actually inputs the criteria and generates the  
14 report?

15          A     That's correct.

16          Q     And then do you take that report and do you do the  
17 analysis yourself of it?

18          A     In many cases, yes.

19          Q     All right. Then in that process, have you had  
20 occasion to analyze specific errors that may have cropped up  
21 in handling?

22          A     Yes.

23          Q     Can you give me some examples? (Pause)

24          A     A good question. Specifically we look at errors  
25 made by the MA, miscoding, they misinterpreted something and

1 used the wrong code. And that would be something specific  
2 where they are using the wrong code.

3 Q Okay. Can you get more specific than that, then?  
4 Can you think of a specific incident or a specific code  
5 where an MA may have misinterpreted the use of the code and  
6 you found the error?

7 A Yes. We have a code 0600. That is customer  
8 misuse of telephone company equipment, which is rather a  
9 moot point, because the telephone company doesn't really  
10 have equipment any more. A lot of the MAs will use that  
11 code when a customer has misused one of their features, one  
12 of their -- they have call-forwarded the number in error.  
13 And that is really not an equipment problem. That's a  
14 customer misusing the feature, which is not a 600. That  
15 should be a closed as a feature or instructing the customer,  
16 which is closed out differently.

17 Q Okay. And when these errors crop up, what  
18 happens? You just find them and you go --

19 A No. Each one is returned to the individual  
20 supervisor for the supervisor to take appropriate action,  
21 depending on what it is.

22 Q And do you ever get feedback about what that  
23 action is?

24 A Not necessarily, no.

25 Q Are you ever required to do follow-up reports and

1 analysis to make sure it has been corrected?

2 A Continually do analysis.

3 Q Okay. Are you familiar with disposition and cause  
4 codes?

5 A Yes, I am.

6 Q And can you briefly explain what a disposition  
7 code is, what your understanding is?

8 A A disposition, basically, is the disposition of  
9 that trouble report, where the trouble was found. We can  
10 break it down into central office, plant, which is cable,  
11 wire, which would be wire from the terminal to the house.  
12 It could be at the protector, which is on the side of the  
13 house. It could be inside the house. All of those things  
14 have a specific disposition code.

15 Q And a cause code would be?

16 A Cause code would be the cause of the trouble. If  
17 one of the protectors, one of the fuses in the protector  
18 goes bad, that's a defect. So, a defect would be used. It  
19 would be a 300 code.

20 Q Would weather codes, like lightning and so on be  
21 cause codes?

22 A Yes.

23 Q Okay. Is there a cause code for a customer  
24 damaging his own equipment?

25 A Yes, there is.

1 Q Do you know if any disposition -- let me back up.  
2 Are you aware of the rule that requires the Company to  
3 repair out-of-service reports within 24 hours at least 95  
4 percent of the time?

5 A Yes.

6 Q Okay. Do you know of any disposition and cause  
7 codes that would exempt an out-of-service report from being  
8 counted against that 95 percent?

9 A Yes.

10 Q Is part of your duties and responsibilities to  
11 monitor those exempt disposition and cause codes?

12 A No.

13 Q Okay. Have you run any MTAS reports on the exempt  
14 disposition and cause codes?

15 A No.

16 Q Have you ever analyzed the use of those exempt  
17 disposition and cause codes by maintenance administrators?

18 A No.

19 Q Have you ever seen any reports generated by other  
20 people in the Company that have analyzed the use of those  
21 exempt disposition and cause codes?

22 A In the MTAS report?

23 Q Or any other report.

24 A No.

25 Q Do you know if anyone has used those codes to

1 exempt an out-of-service report from that 24-hour base?

2 A No.

3 Q Okay. And you have never done so yourself?

4 A No.

5 Q And you have never directed anyone to do so?

6 A No.

7 Q

8

9 A

10 Q

11 A

12

13 Q

14 A

15

16

17 Q

18 A

19

20 Q And who else was present? Was it just Mr. Ward?

21 A No, my operations manager, Mr. Sattizahn, was  
22 present.

23 Q And then just the three of you?

24 A Yes.

25 Q

1 A

2

3 Q

4

5 MS. PIKE: I'm going to object to the form.

6

7

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9 THE WITNESS: To be honest, I don't recall.

10 BY MS. RICHARDSON:

11 Q

12

13 A

14 Q

15 A

16 Q

17 A

18

19 Q Do you have any opinions or any ideas that you

20 have formulated

21

22 A

23 MR. BEATTY: I would object. And at this point I

24 need to remind you that if, in fact, any of your

25 recollection is based upon any investigation that has



1 occurred, that that is not proper for disclosure today.

2 MS. RICHARDSON: Based upon the attorney/client  
3 privilege, Mr. Beatty?

4 MR. BEATTY: Yes, and the attorney product  
5 doctrine.

6 THE WITNESS: Can I talk to her?

7 MS. RICHARDSON: Yes. Anytime you need to do  
8 that, Mr. Thomas, feel free.

9 (Discussion off the record.)

10 MS. PIKE:

11

12

13 THE WITNESS: No.

14 BY MS. RICHARDSON:

15 Q

16

17 A

18 Q

19 A All the ones?

20 Q Yes. You may name all the ones that you know,  
21 yes.

22 A

23

24

25 Q

1           A                   (phonetic). And those are specifically  
2 the ones I know.

3           Q           Okay. And were these people that you worked with?

4           A           All but one, yes.

5           Q           And did you work together at the same time in the  
6 same location?

7           A           Yes.

8           Q           And where was that?

9           A           North Broward IMC, 1230 North Federal Highway.

10          Q           And about what time frame?

11          A           Probably from '84 to present for some of them.  
12 You know, I'm still with some of them.

13          Q           Okay.

14

15

16          A           No.

17          Q           Okay.

18

19          A           Yes.

20          Q           In your conversations with these individuals, have  
21

21

22          A           Yes.

23          Q           In these conversations where you have discussed  
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A No.

MS. PIKE: I'm going to object to the form.

BY MS. RICHARDSON:

Q Did you all get together and try to decide why it happened?

MS. PIKE: Asked and answered. Go ahead.

THE WITNESS: Yes.

BY MS. RICHARDSON:

Q And what was your conclusion?

A My personal conclusion?

Q Or the group conclusion.

A There was no group conclusion.

Q Okay. Your personal conclusion.

A That the Company had determined that there was some wrongdoings within the Company, and they needed to take action in order to be sure that people understood that this was a serious problem, and that it would not be tolerated.

Q Mr. Thomas, do you have any direct information based upon the Company's internal investigation?

A No.

Q Do you have any secondary information? And I will define secondary for you: In terms of hearsay, rumors, general conversations among employees, any reports or analysis that you may have performed or done, those kinds of

1 things, or seen that someone else has done, that's secondary  
2 information, about the Company's internal investigation.

3 A I don't understand the question.

4 Q Okay. You have just told me that you have no  
5 direct information about the Company's internal  
6 investigation.

7 MR. BEATTY: I'm going to object to that. You  
8 have mischaracterized his testimony.

9 MS. RICHARDSON: Then I guess to make sure we  
10 either -- I either need to restate it or I can read it  
11 back.

12 MR. BEATTY: What he said is that he did not know.  
13 He did not have any.

14 MR. RICHARDSON: Yes, that is what I was saying.  
15 And you are saying I mischaracterized it?

16 MR. BEATTY: Correct. You said "direct." He did  
17 not qualify his comment that he does not have any  
18 direct information. He said that he has no information  
19 at all, so that your subsequent line of questioning  
20 with regard to secondary information is superfluous and  
21 unnecessary.

22 MS. RICHARDSON: Mr. Beatty, my question was, "Do  
23 you have any direct information," and he said no. Now,  
24 if he is responding to my specific question, then he  
25 has answered no to my question of direct information.

1 MR. BEATTY: No, I think your question was "Do you  
2 have any information."

3 MS. RICHARDSON: Could you read that back. Would  
4 that be too much trouble?

5 (Question read back by reporter.)

6 BY MS. RICHARDSON:

7 Q Now, Mr. Thomas, that we are back on track here,  
8 do you have any secondary information based upon the  
9 Company's internal investigation?

10 A Would you describe secondary information again,  
11 please?

12 Q Yes. Hearsay, rumor, conversations you have had,  
13 any reports you may have seen.

14 MS. PIKE: You know, I'm just going to object to  
15 the form. I don't think you finished the question,  
16 Sue, or else I didn't understand. Does he have any  
17 secondary information about what?

18 MS. RICHARDSON: That was related to the Company's  
19 internal investigation

20 MS. PIKE: All right. Well, I'm going to object  
21 to that question, the form of that question. You can  
22 go ahead and answer it. You want to know if he read  
23 something in the paper or heard something at the bus  
24 stop, is that what you're getting at?

25 MS. RICHARDSON: Or in conversations with

1 employees. Anything other than information that you  
2 were personally and directly responsible for or  
3 involved in.

4 MR. BEATTY: To which the answer would be "yes,"  
5 or "no."

6 THE WITNESS: I would say yes.

7 BY MS. RICHARDSON:

8 Q Now, I would like to have a question here, and I  
9 think Mr. Beatty is going to jump in with an objection, so  
10 pause to think. What information do you have?

11 MR. BEATTY: I would object. And I would request  
12 that counsel instruct the witness not to respond to  
13 that question pursuant to the attorney/client privilege  
14 and the attorney work product privilege, assuming that  
15 this information was obtained from the investigation,  
16 pertaining to the investigation.

17 MS. PIKE: I'm going to join in on the objection,  
18 and I am going to instruct him not to answer if the  
19 information that you have disclosed to her was obtained  
20 as part of that investigation. If you heard it at the  
21 bus stop or, you know, when you were dropping off your  
22 kid to ballerina class that you can tell her about, but  
23 if you --

24 MR. BEATTY: If you read it in the paper --

25 THE WITNESS: That would be my answer.

1 BY MS. RICHARDSON:

2 Q Okay. Then would you go ahead and tell me about  
3 it?

4 A Only what we have read in the paper about the  
5 allegations.

6 Q Okay. Mr. Thomas, have you ever heard of backing  
7 up the times?

8 A Yes.

9 Q Can you explain to me what that means to you?

10 A In many instances when a repairman goes out to  
11 visit a customer he has several things he has to do. The  
12 first thing, obviously, is to restore the customer's  
13 service. And he can do that in several locations. He can  
14 do that right at the house. He could do it a mile down the  
15 road in some cable or he can do it five miles down the road.  
16 When he restores service to the customer, that's when the  
17 customer is back in service. That is the cleared time of  
18 the trouble. After he clears the trouble, he may have some  
19 routine work he has to do. He may have to get back in his  
20 truck, drive to the house and notify the customer. He may  
21 have to wash his hands and put his tools away. And he will  
22 do that, and then he will call in again. And when he calls  
23 in, it could be 45 minutes, 30 minutes, 15 minutes; it could  
24 be any time after that. And he will tell the person closing  
25 the trouble report out, "I cleared the trouble at blank

1 time." And that is the time that the customer's service was  
2 restored. That is what a lot of people consider backing up  
3 the time, because it's not the same time that he is on the  
4 phone talking to the maintenance administrator.

5 Q Have you ever used it? Excuse me. Have you ever  
6 heard it used, backing up the time, in any other context?

7 A No.

8 Q Okay. Have you ever discussed with anyone Mr.  
9 Slattery's use of backing up the time?

10 A My recollection is that his opinion of backing up  
11 the --

12 MR. BEATTY: Excuse me. I'm going to object to  
13 that. To the extent that that question would include  
14 his providing testimony here today about information  
15 that he supplied in the context of the investigation.  
16 So that if, in fact, your question -- if, in fact, the  
17 response to your question would elicit a response that,  
18 "Yes. I told Southern Bell investigators about Mr. --"  
19 I think you said Mr. Slattery?

20 MS. RICHARDSON: Uh-huh.

21 MR. BEATTY: Mr. Slattery, then I would object to  
22 that.

23 MS. RICHARDSON: Uh-huh.

24 MR. BEATTY: On the other hand, if his response  
25 does not include anything given in the context of the



1 investigation, then my objection does not extend to  
2 that.

3 THE WITNESS: My belief is that Mr. Slattery --

4 MS. PIKE: "Yes," or "no."

5 THE WITNESS: Can you rephrase or restate the  
6 question, then?

7 BY MS. RICHARDSON:

8 Q Have you ever discussed with anyone Mr. Slattery's  
9 use of backing up the time?

10 A Yes.

11 Q Okay. And with the objection so noted, is there  
12 any information that you can share with me about that  
13 discussion?

14 A It's the same as mine, his opinion of backing up  
15 the time or the way they phrase backing up the time is the  
16 same as mine. When the customers service is restored that  
17 is when the report will be closed.

18 Q Okay. In your experience, have you ever observed  
19 an employee handling customer trouble reports doing  
20 something that you consider questionable?

21 MR. BEATTY: Objection to the form of the  
22 question.

23 MS. PIKE: It's vague. Go ahead.

24 MR. BEATTY: We had the same objection.

25 MS. PIKE: You can answer.

1 THE WITNESS: I need to know a definition of  
2 questionable.

3 BY MS. RICHARDSON:

4 Q Something that you didn't think was right or  
5 covered with the policies and procedures or --

6 MR. BEATTY: I would object. I would object to  
7 the form of the question. It calls for a legal  
8 conclusion.

9 MS. PIKE: You can answer it.

10 THE WITNESS: That is a very broad statement, and  
11 I guess I have to say yes.

12 BY MS. RICHARDSON:

13 Q Do you remember any specific occasions?

14 A Just really kind of stupid mistakes, you know, on  
15 an individual basis. That's all.

16 Q All right. Then outside of just administrative  
17 mistakes and just clerical type errors, were there any other  
18 questionable incidents?

19 A No.

20 Q Have you ever seen anyone, observed anyone who has  
21 mishandled -- and I am not talking about the administrative  
22 clerical errors -- who has mishandled a customer trouble  
23 report?

24 MR. BEATTY: Objection, calls for a legal  
25 conclusion.

1 THE WITNESS: No.

2 BY MS. RICHARDSON:

3 Q All right. Mr. Thomas, in the scope of your  
4 duties, when you said you have done trouble reporting stuff  
5 100 percent of the time, within the scope of that entire  
6 period, has it been your responsibility to be familiar with  
7 the Company practices and procedures for handling customer  
8 trouble reports?

9 A Yes.

10 Q Has it been your responsibility to supervise  
11 individuals in following those Company practices and  
12 procedures for handling customer trouble reports?

13 A Yes.

14 Q Within that context, have you ever reported an  
15 individual for mishandling customer trouble reports?

16 A No.

17 Q Do you know whether anyone has ever reported you  
18 for mishandling customer trouble reports?

19 MR. BEATTY: I'm going to object to that to the  
20 extent it provides an answer which includes a response  
21 given my him in the context of the investigation that  
22 we have conducted.

23 MS. PIKE: Do you have personal knowledge for a  
24 fact that someone has ever reported you?

25 THE WITNESS: No.

1 BY MS. RICHARDSON:

2 Q And then, I guess, just for the record, so that I  
3 will know that it's clear, do you have information for which  
4 you're not responding to this question based upon Mr.  
5 Beatty's objection?

6 A No.

7 Q Mr. Thomas, do you know of any practice in an IMC  
8 where maintenance administrators were directed to call a  
9 manager before closing out a trouble report?

10 A Yes.

11 Q Can you explain?

12 A No. I can remember that, but I don't recall why  
13 we did it.

14 Q Okay. Do you have a context, like a place? Was  
15 it North Broward or Pompano?

16 A It was North Broward. There was a special study.

17 MR. BEATTY: I object. There is no question  
18 pending.

19 BY MS. RICHARDSON:

20 Q Okay. What other memories do you have about that  
21 event? There was a special study done?

22 A Yes, we were doing a study for some reason.

23 MR. BEATTY: Object to the form of the question.  
24 There was no question pending.

25 BY MS. RICHARDSON:

1 Q What did the special study involve?

2 A I don't recall.

3 Q But you remember that it was being done for some  
4 particular reason?

5 A It was.

6 Q Was it being done to check on errors?

7 MR. BEATTY: Object to the form of the question.  
8 It's leading.

9 THE WITNESS: I don't recall.

10 BY MS. RICHARDSON:

11 Q Okay. Did it involve everyone in the maintenance  
12 center?

13 A Again, I don't recall.

14 Q Do you remember about the time frame that this may  
15 have been done?

16 A I can't recall.

17 Q In your opinion as a supervisor, and having worked  
18 in this area of customer trouble handling for 100 percent of  
19 your time with this Company, would it be proper to direct  
20 MAS to check with the manager before closing out trouble  
21 reports?

22 MR. BEATTY: I object to the form of the question.  
23 It calls for a legal conclusion.

24 MS. PIKE: I will join in the objection. You can  
25 go ahead and answer whether, in your opinion, that

1 would be proper, keeping in mind that she has given you  
2 no specific instance or scenario.

3 THE WITNESS: That would be very broad. Could you  
4 restate the question.

5 BY MS. RICHARDSON:

6 Q In the context of your experience and your  
7 knowledge of Company practices and procedures, in your  
8 opinion would it be appropriate to direct maintenance  
9 administrators to call a manager before closing out trouble  
10 reports that were out-of-service and about to go over the  
11 24-hour line?

12 A No.

13 Q Do you know if that has ever been done?

14 A No, I don't.

15 Q And have you ever done that yourself?

16 A No.

17 Q Have you ever directed anyone to do that?

18 A No.

19 Q Are you familiar with the no access code?

20 A Yes, I am.

21 Q Okay. And just briefly, what is your familiarity  
22 with it or what do you know about it?

23 A A technician goes to the field to repair a  
24 customer report. If the customer is not home and the  
25 trouble is inside where the tech can't get to it, he leaves

1 a no access card asking them to call back in when they get  
2 home. And the trouble is statused as a no access.

3 Q Okay. Again, covering your experience and your  
4 training and your knowledge of the practices and procedures,  
5 would it be appropriate to no access a trouble without  
6 leaving notice to the customer?

7 A No.

8 Q Do you know of anyone who has no accessed an  
9 out-of-service report in order to stop the clock on that  
10 24-hour line?

11 A No.

12 Q Have you ever heard of that being done?

13 A No.

14 Q Have you ever directed anyone to do that?

15 A No.

16 Q Have you ever done that yourself?

17 A No.

18 Q Okay. Are you familiar with excluding  
19 out-of-service reports?

20 A Yes.

21 Q And what does it mean for you?

22 A An exclude means that there are specific reasons  
23 to exclude a report.

24 Q Uh-huh.

25 A If it has to do with another company -- we may get

1 a report of a wire down, a customer trouble report of a wire  
2 down. We go out there, and we find out that it's a cable  
3 TV, FP&L. That is an excludable type of report. Reports  
4 can be excluded for the right reasons.

5 Q Okay. Within your knowledge and experience of  
6 Company practices and procedures and your supervisory  
7 experience in directing people on handling customer trouble  
8 reports, in your opinion is it proper to exclude an  
9 out-of-service report before it's completed, before the  
10 repair is completed?

11 A No.

12 Q Now, I want to make it a little bit more broad.  
13 Would there be a reason that you're aware of to exclude an  
14 out-of-service report?

15 A Yes.

16 Q And can you tell me what that would be?

17 A A customer could have a no dial tone condition.  
18 We get out there and there is maybe a reason that they need  
19 to call the business office to issue an order. Trailers, a  
20 lot of times these construction trailers, they will move the  
21 trailer to the other side of the lot because it's easier.  
22 Because there is something they are building, they will move  
23 it themselves. They will put themselves out-of-service.  
24 And when we get there, this is not a repair problem, you  
25 need to call the business office. The facilities have to be



1 rerouted to another street. That would be excludable,  
2 because he has to call the business office.

3 Q Okay. Outside of that one example, have you ever  
4 heard of anyone excluding an out-of-service report to keep  
5 it from going over 24 hours and then reopening that report  
6 to clear and close it?

7 A No.

8 Q Have you ever done that yourself?

9 A No.

10 Q Have you ever directed anyone to do that?

11 A No.

12 Q Do you know what a commitment time is on a report?

13 A Yes, I do.

14 Q And can you briefly explain what your  
15 understanding of a commitment time is?

16 A The customer calls into centralized repair. The  
17 commitment time is set by the bureaus, the time that we feel  
18 we could get this trouble report completed. The customer is  
19 told when they call in, "Your trouble will be cleared by,"  
20 whatever date comes up on the machine.

21 Q Okay. Do you know of anyone who has ever extended  
22 that commitment time without talking to a customer?

23 A No.

24 Q Have you ever done that yourself?

25 A No.

1 Q Have you ever directed anyone to do that?

2 A No.

3 Q Are you familiar with the carryover no, the CON  
4 code, the C-O-N code?

5 A Yes, ma'am.

6 Q And briefly explain your understanding of that  
7 code?

8 A CON is a flag, which is an MTAS, that means  
9 carryover no. And the criteria for an out-of-service over  
10 24 hours means that that flag cannot be there. So, if it is  
11 stasured with the CON code, that takes it out of that  
12 criteria to be over 24 hours, so it doesn't get stroked as a  
13 miss.

14 Q Okay. Have you ever run any MTAS reports or  
15 analyzations on the use of the CON code?

16 A Yes, I did.

17 Q And what did you find?

18 A That it was centralized repair who inputs that  
19 information only. And we have instructed our people not to  
20 do it. There were at times legitimate reasons for using the  
21 CON code. And our bureau, we did -- in part of our review  
22 that was part of the thing to make sure the MAs only use it  
23 when they were absolutely allowed to use it.

24 Q Okay. Did you find any errors or problems with  
25 the use of the CON code?

1 A At times, on an individual basis.

2 Q But no maintenance center-wide misuse?

3 A No.

4 Q Have you heard of anyone using the CON code to  
5 stop the clock on an out-of-service report to keep it from  
6 going over 24 hours?

7 A No.

8 Q And you have never directed anyone to do that  
9 yourself?

10 A No.

11 Q And you have never done that yourself?

12 A No.

13 Q I would like to go to statusing affecting service  
14 reports and out-of-service reports. I think you said at one  
15 time you were in a screening position for that. Can you  
16 briefly explain to me how that statusing is done and what  
17 criteria or guidelines you follow between determining  
18 whether it's an affecting service or an out-of-service?

19 A The customer is out-of-service if they cannot  
20 receive or make a call. Everything else is service  
21 affecting.

22 Q Okay. And if the customer says they cannot  
23 receive or make a call, but you have done an MLT test and it  
24 shows the line in use, what would the status be?

25 A That would take additional testing before a status

1 could be determined.

2 Q Okay. And additional testing shows line in use?

3 A Then you would monitor the line. If you don't  
4 hear noise, conversation, and the customer has reported it  
5 as no dial tone, then it is out-of-service. You would also  
6 attempt to call the customer, and I'm sure you would get a  
7 busy signal.

8 Q Okay. Are you aware of any practice in any  
9 maintenance center where MAs were told during rainy weather  
10 not to status any reports out-of-service?

11 A No.

12 Q Do you know of anyone who has taken affecting  
13 service reports and statused them out-of-service in order to  
14 build the base to meet that 95 percent index?

15 A No.

16 Q Have you ever heard of that being done?

17 A No.

18 Q And have you ever done that yourself?

19 A No.

20 Q Have you ever directed anyone to do so?

21 A No.

22 Q Do you know what a test okay is?

23 A Yes.

24 Q And would you briefly explain your understanding  
25 of a test okay?

1           A     A test okay is when you test a customer's line and  
2 everything is -- there is no metallic trouble, no cross it's  
3 not open, you see equipment at the end of it, it's test  
4 okay.

5           Q     Okay. And within your knowledge and training and  
6 your supervisory responsibilities in handling customer  
7 trouble reports, is it appropriate to close a test okay to  
8 an out-of-service status?

9           A     There are times when it's done, yes.

10          Q     Would you please explain when it's appropriate?

11          A     Touch-Tone telephones require polarity. The newer  
12 phones have a polarity guard inside, but the old ones  
13 didn't. And many times you get a report that says the  
14 customer can't call, call out, because they pick up the  
15 phone and keep pressing those buttons and nothing will  
16 happen. But yet the line tested perfect. It would be a  
17 perfect test okay, but yet the customer was out-of-service  
18 because they couldn't make a call.

19          Q     Okay. Is that the only --

20          A     A customer picks up their phone, and it's dead, no  
21 dial tone on it. They can go -- decide to go next door to  
22 their neighbor. They go over there and say, "My phone is  
23 out-of-service. I don't have any dial tone on it. Can I  
24 try calling it?" They dial it up and maybe they get a busy  
25 signal. A lot of times the equipment in the office could

1 have been stuck. That would be the best word to use. That  
2 current coming from that ringing generator for that line now  
3 releases that. The customer has got a busy signal. She  
4 hangs up. "I can't believe that. Let me call the phone  
5 company." By the time the report is processed and it is  
6 tested, the line test okay. But the customer was  
7 legitimately out-of-service. When they picked up the phone,  
8 their perception was that they didn't have service. Now,  
9 when they walk back, they pick up the phone and they have  
10 dial tone. The maintenance administrator, in the meantime  
11 now is testing the line, calls the customer and says  
12 "Everything is okay now." That trouble was out-of-service,  
13 and it does test okay now. So, that's another instance  
14 where the customer's perception of her phone being  
15 out-of-service was that it was out-of-service.

16 Q Okay. Then outside of those exceptions that you  
17 have told me about, do you know of anyone who has taken test  
18 okay reports and statused them out-of-service in order to  
19 build the base?

20 A No.

21 Q Have you ever heard of that being done?

22 A No.

23 Q Have you ever directed anyone to do so?

24 A No.

25 Q Have you ever done so yourself?

1 A No.

2 Q Do you know of anyone who has violated Company  
3 procedures on handling customer trouble reports?

4 MR. BEATTY: Object to the form of the question.  
5 It calls for a legal conclusion. You can answer it.

6 THE WITNESS: Not to my recollection.

7 BY MS. RICHARDSON:

8 Q Do you have any vague thoughts out there at all or  
9 are you a total blank on it?

10 A Total blank.

11 MR. BEATTY: Objection to the form of the  
12 question. It's ambiguous and vague.

13 BY MS. RICHARDSON:

14 Q All right. Have you, yourself, ever violated  
15 Company procedures in handling trouble reports?

16 MR. BEATTY: Same objection.

17 THE WITNESS: No.

18 BY MS. RICHARDSON:

19 Q Have you ever directed anyone to violate Company  
20 procedures in handling customer trouble reports?

21 A No.

22 MR. BEATTY: Same objection.

23 BY MS. RICHARDSON:

24 Q Do you know of anyone who has used an employee  
25 code other than their own to status a trouble report?

- 1           A     No.
- 2           Q     Have you ever done so yourself?
- 3           A     No.
- 4           Q     Have you ever directed anyone to do so?
- 5           A     No.
- 6           Q     Mr. Thomas, do you know of anyone who has used any  
7 other means to build the base to meet that 95 percent index?
- 8           A     No.
- 9           Q     And have you ever done so yourself, used any means  
10 whatsoever to build the base?
- 11          A     No.
- 12          Q     Have you ever directed anyone to do anything that  
13 would build the base to meet that 95 percent index?
- 14          A     No.
- 15          Q     Do you know of anyone who has falsified a customer  
16 record?
- 17          A     No.
- 18          Q     Have you ever falsified a customer record  
19 yourself?
- 20          A     No.
- 21          Q     Have you ever directed anyone to falsify a  
22 customer record?
- 23          A     No.
- 24          Q     Were you ever asked to not examine error patterns  
25 on MTAS reports?



1 A No.

2 Q In your screening function you are familiar with  
3 AUTOSCREENER, I believe you said.

4 A Yes.

5 Q Are you familiar with dry rules and wet rules?

6 A Yes.

7 Q Was it part of your responsibility to manage  
8 AUTOSCREENER when you were in the screening function?

9 A No.

10 Q Has it ever been part of your responsibility?

11 A It is now.

12 Q It is now. Okay. Do you presently use dry rules  
13 and wet rules?

14 A No.

15 MR. BEATTY: Objection, relevance.

16 BY MS. RICHARDSON:

17 Q Do you know of anyone who has ever misused the wet  
18 rules to status a report improperly?

19 A No.

20 Q Presently are you aware of any changes in Bell  
21 procedures, recent changes in Bell procedures, regarding  
22 AUTOSCREENER rules?

23 A Yes.

24 Q And can you tell me what those are?

25 A The IMCs no longer have access to the AUTOSCREENER

1 rule.

2 Q And do you know why that change was made?

3 A Specifically, no.

4 Q Have you heard why that change was made?

5 A I was told that the specific out-of-service rules  
6 that the staff had sent out were the only ones that would be  
7 in there, and the IMC could not access to add or delete any  
8 of those.

9 Q But you haven't heard why that was done?

10 A No.

11 Q Are there specific AUTOSCREEN rules that determine  
12 whether a trouble report is affecting service or  
13 out-of-service?

14 A Yes.

15 Q Have there been changes made in those specific  
16 rules recently?

17 A No.

18 Q Within AUTOSCREENER, does the AUTOSCREENER system  
19 match VER code and type code combinations to determine  
20 whether a report is out-of-service?

21 A Yes.

22 Q And have there been changes in the VER and type  
23 code combinations within AUTOSCREENER within your knowledge?

24 A No.

25 Q If AUTOSCREENER determines that a trouble report

1 is affecting service and statuses it that way on the  
2 customer record, when the maintenance administrator pulls  
3 that record up, and the customer reports no dial tone, how  
4 would that report be statused, by what the customer says or  
5 by what AUTOSCREENER determined?

6 MR. BEATTY: Objection, speculative.

7 THE WITNESS: It's up to the MA to analyze further  
8 and determine that herself.

9 BY MS. RICHARDSON:

10 Q Have any recent changes come down directing MAs in  
11 that method of analyzing and determining the status?

12 A No.

13 MS. RICHARDSON: Mr. Thomas, I want to thank you  
14 for appearing here today and for answering my  
15 questions. I appreciate your time. And I have no  
16 further questions for you at this time, but the Public  
17 Service Commission Staff may have one or two before we  
18 can let you go. Thank you.

19 CROSS EXAMINATION

20 BY MS. WILSON:

21 Q I wanted to ask you were you interviewed by  
22 Company investigators?

23 MR. BEATTY: I object to that question.

24 BY MS. WILSON:

25 Q Yes or no?

1 A Yes.

2 MS. RICHARDSON: I'm sorry. She didn't hear, you  
3 said it so softly.

4 BY MS. WILSON:

5 Q What did you talk about?

6 MS. PIKE: Objection. You can't answer that  
7 question.

8 MS. WILSON: I would like his testimony on the  
9 record for the basis of that objection.

10 MS. PIKE: I just did. I'm sorry. You didn't  
11 hear me?

12 MS. WILSON: No.

13 MS. PIKE: Oh, okay. I think we both did.

14 MR. BEATTY: I'm going to object.

15 MS. RICHARDSON: I would like the witness to say  
16 he is not responding based on the objection.

17 THE WITNESS: I'm not responding base on the  
18 objection of my attorney.

19 MS. PIKE: Attorney/client privilege.

20 MR. BEATTY: And the attorney work product  
21 doctrine.

22 BY MS. WILSON:

23 Q So, you do have knowledge regarding the  
24 investigation, but you're not responding based upon your  
25 attorney's assertion of the attorney/client privilege, "yes"

1 or "no"?

2 A Yes.

3 MS. WILSON: Thank you

4 (The deposition was concluded at 10:40 a.m.)

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CERTIFICATE OF ADMINISTERING OATH

STATE OF FLORIDA:  
COUNTY OF LEON:

I, JANE FAUROT, Notary Public in and for the State of Florida at Large:

DO HEREBY CERTIFY that on the date and place indicated on the title page of this transcript, an oath was duly administered by me to the designated witness(s) before testimony was taken.

DATED THIS 27th day of September, 1993.



JANE FAUROT  
MY COMMISSION # CC295576 EXPIRES  
July 18, 1997  
BONDED THRU TROY FAIR INSURANCE, INC.

*Jane Faurot*

JANE FAUROT  
100 Salem Court  
Tallahassee, Florida 32301  
(904) 878-2221

MY COMMISSION EXPIRES: 7/16/97

CERTIFICATE OF REPORTER

STATE OF FLORIDA )  
COUNTY OF LEON )

I, JANE FAUROT, Court Reporter, do hereby certify that the foregoing proceedings was taken before me at the time and place therein designated; that my shorthand notes were thereafter translated under my supervision; and the foregoing pages numbered 1 through 46 are a true and correct record of the proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor relative or employee of such attorney or counsel, or financially interested in the foregoing action.

DATED THIS 27th day of September, 1993.

*Jane Faurot*

JANE FAUROT  
100 Salem Court  
Tallahassee, Florida 32301  
(904) 878-2221

SWORN TO AND SUBSCRIBED TO BEFORE ME THIS 27th day of September, 1993, IN THE CITY OF TALLAHASSEE, COUNTY OF LEON,

1 STATE OF FLORIDA, BY THE ABOVE PERSON WHO IS PERSONALLY  
2 KNOWN BY ME.

3 *Melanie Y. Bradford*  
4 NOTARY PUBLIC  
5 STATE OF FLORIDA

